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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights and freedom of religion in Pakistan

The Jubilee Campaign seeks to draw the Human Right council's attention to the situation of freedom of religion in the Islamic republic of Pakistan.

Though it was formed as a state for Muslims, Pakistan was not initially an Islamic state in the strictest sense. Many religious minorities are indigenous to the country and call it home. Also, according to the Constitution of the Islamic Republic of Pakistan, Freedom of Religion for individuals of various religions and religious sects is guaranteed. However, the political landscape has been heavily influenced by Muslim clerics who have sought to bring Pakistani law into compliance with their interpretations of Sharia (Islamic law).

Jubilee Campaign highlights concerns about the existence and application of the Blasphemy Law, Pakistan Penal Code Section 295(c), which is used over and over again to persecute members of religious minorities. In 1991, the Federal Sharia Court ruled that the punishment for this offense should be harsher, and the PPC Section 295(c) was amended to make the death penalty mandatory for individuals convicted of making derogatory remarks about Muhammad. Also, Pakistan's penal code mandates the death penalty or life in prison for anyone defiling the name of Prophet Muhammad. This penal code mandates life imprisonment for desecrating the Quran, and up to 10 years' imprisonment for insulting another's religious beliefs with intent to outrage religious feelings.

Pakistan's blasphemy laws are problematic both in their form and their application. They have been the source of much debate and harm since the 1990s. In its form, Section 295-C of the penal code does not include in its clauses of the *intention* of using derogatory words against the Prophet Muhammad. This leads to violation of one of the most basic principle that the accused is innocent until proven guilty. Also, it is problematic in the way that the law only targets members of minority groups because of the purpose of the law.

This is proved by the fact that almost half of those accused under the law are of minority religious groups although only about 3% of Pakistan's population are non-Muslims, especially Christians. This also shows that the law is misused to persecute religious minority group. After a number of clauses were added to the blasphemy law in the 1980s, from 1987 to 2014 over 1300 people have been accused of blasphemy, mostly non-Muslim religious minorities. The vast majority of the accusations were lodged for desecration of the Quran.

One famous case that can show the problem of this law is the "Asia Bibi blasphemy case". Aasiya Noreen is a Pakistan Christian woman and a mother of her five children, who was convicted of blasphemy under Section 295-C of the Pakistan Penal Code by a Pakistan Court and received a sentence of death. In June 2009, she was convicted of insulting Mohammed after having a dispute with Muslim co-workers for the reason that she took a drink with a cup set aside for Muslims which is forbidden to Christians. In November 2010, she was sentenced to death. The Lahore High Court confirmed the conviction and death sentence in October 2014.

On account of his support for the accused and incarcerated Asia Bibi, Mr. Salmaan Taseer, the Governor of Punjab, was killed by his own bodyguard for his outspoken defense of Asia Bibi and his condemnation of the misuse of the blasphemy laws. Only weeks later, Mr. Shahbaz Bhatti, the only Christian member of Pakistan's cabinet was also killed for speaking out against the law and calling for the acquittal and release of Asia Bibi.

Moreover, the blasphemy laws are problematic in the way these are applied. There are no safeguards to ensure that the defendants can enjoy their due process and a fair hearing. In most of blasphemy trials, Muslim extremists attend the trials as a group, harassing and intimidating both judges and defendants. The sentenced people are threatened even in prison. For example, unlike any other prisoner, Bibi had to be kept away from other inmates for her own well-being because other individuals accused of blasphemy had been killed while in prison. Prison officials even give her raw materials to cook her own food out of concern that she could be poisoned.

In addition, all too often extrajudicial punishment based on retaliation or perceived offenses are committed by Islamic mobs. Several blasphemy law victims have been killed by Muslim extremists during their hearings. Some of the mob violence are committed in broad daylight in front of hundreds of people in the district court's compound.

Among those cases, the most brutal incident that epitomized the situation happened at the end of 2014. A young couple, 24 years old Shama Bibi and 27 years old Sajjad Maseeh, were murdered for alleged blasphemy. Their legs were broken so that they could not escape. After they were beaten by a mob, while still alive they were thrown into a brick kiln and their bodies were burned beyond recognition. Mob violence incidents are rarely intercepted by police, or police appear long after the violence has killed and maimed innocent victims.

Meanwhile, the blasphemy law allows Islamist Extremists to justify killings, because there is no provision in the law to punish a false accuser or a false witness of blasphemy. For this reason, it has become a powerful tool in the hands of extremists and is continually being used to attack churches, and kill Christian people. In one incident in 2013, a blasphemy charge led to Muslims burning down more than 150 Christians' homes and killing innocent people. These incidents point out that the vagueness of the anti-blasphemy laws, inadequate investigation, and intimidation by mobs and some religious groups were behind vigilantism across Pakistan.

Despite their frequent misuse, the blasphemy laws have not been amended nor revoked. The Pakistan government is reluctant to set up measures to resolve these problems. The Blasphemy laws have proven to be the most injurious weapon of active religious persecution by the extremists with encouragement from the government. In blasphemy charge cases, Police neglect that Muslim mob steal possessions and destroy Christians' home after blasphemy charges were made. In this situation, the police do not fulfill their duty but they are just mute spectators. The culture of impunity leads to more attacks since nothing happens to punish those who carry out the attacks.

The blasphemy laws in Pakistan violate the freedom of speech and freedom of expression which are guaranteed in the Universal Declaration of Human Rights. There are serious problems in both their format and application. The law itself fails to distinguish between malicious, deliberate acts of blasphemy and circumstances wherein the accused had no intent. The misapplication of the law leads to violation of the basic principle of law. Moreover, the laws are applied in a discriminatory way against religious minority groups, since they provide no protection nor due process to members of other religions except Islam. In most cases of a F.I.R. being brought against an accused, it is used as a revenge or false accusation against someone in a religious minority group.

Recommendations to the Human Rights Council

1. To urge the government of Pakistan to abolish the blasphemy law. In the process towards abolition, the government of Pakistan should amend the blasphemy laws so as not to violate but to provide adequate and effective guarantees of freedom of religion and belief.

2. To urge the government of Pakistan to amend the blasphemy laws to provide due process to the accused for blasphemy and not to violate basic principles that the accused is innocent until proven guilty.

3. To urge the government of Pakistan to ensure that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law and applies to the equal protection of all minorities.

4. To urge the government of Pakistan to review all cases of people accused of blasphemy, and apply international legal standards to acquit and release the accused, starting with Mrs. Asia Bibi.

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*Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement